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Vasudevan 3-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Vasudevan Subramanian
Serial Number:	10/001,296
Filed:	11/02/2001
Group Art Unit:	2616
Examiner:	Wong, Warner
Title:	A METHOD FOR ALLOCATING WIRELESS COMMUNICATION RESOURCES

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on July 3, 2007. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection of claims 1-19 under 35 U.S.C. §103 based upon the proposed combination of the *Gitlin* and *Hortensius* references. There is no *prima facie* case of obviousness.

The *Gitlin* reference discusses a technique of assigning CDMA codes to high bit-rate users and lower bit-rate users and to then schedule them so that the bit error rate (BER) "caused by the total level of interference from all the transmissions remains below the acceptable threshold." (Column 8, lines 44-45) The *Gitlin* reference assigns the codes to the users and schedules the users based on their codes so that interference between codes will be kept at a low enough level to satisfy the acceptable threshold. The use of different codes and strategically scheduling users of such codes in *Gitlin* does not correspond to varying "scheduling (time span) according to the bit error

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